IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 86 OF 2005

IN

SUIT NO. 3355 OF 2004

Jindal Vijayanagar
Steel Limited. ... Plaintiffs.

vs.

David James & Sons Ltd.,
& Ors. ... Defendants.

Mr. M. Vasudeo with Ms. Cyathia Pereira
i/by Rajani Associates
for plaintiffs.

Mr. P.K. Samdani with Praveen Shetty i/by
Shaunak Satpute & Co.
for Defendant No.1.

CORAM : S.U. KAMDAR,J.
DATE : 9th FEBRUARY, 2005.

P.C.

1. The learned counsel appearing for the plaintiffs states that he does not want to press paragraph 23 A sub clause (c) of the amendment. He

also requests that the sentence which is sought to be added in paragraph 27 by virtue of paragraph 2 to the schedule to the amendment be permitted to be added at the end of paragraph 4 of the plaint. In so far as the second request is concerned, I am not inclined to grant the same for the simple reason in the present case a serious issue as to the jurisdiction of this Court to entertain the suit as framed is required to be considered and tried at an appropriate stage. It is well settled position that a party cannot bring a suit within the jurisdiction by way of an amendment in a suit which was otherwise not within the jurisdiction of this Court.

2. In the aforesaid circumstances, I am not inclined to grant the request which has been made by the learned counsel for the plaintiffs in so far as paragraph 2 to the schedule of the amendment is concerned.

3. In so far as other paragraphs to the schedule are concerned, I find that there are merely further details in respect of the cause of action which has been raised in the ;suit and thus, in so far as other paragraphs are concerned, there is no serious reason why the said amendment should not be granted.

4. In the aforesaid circumstances, I make the

chamber summons absolute in terms of prayer clause (a) excluding sub para (c) of paragraph 23A and paragraph 2 to the Schedule to the chamber summons.

5. Amendment to be carried out within a period of two weeks from today. Chamber summons disposed of accordingly. No order as to costs.